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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,527	11/20/2001	Jean-Pierre Mao	034299-364	8860

7590 12/07/2005
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EXAMINER

SEFCHECK, GREGORY B

ART UNIT PAPER NUMBER

2662

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,527	MAO, JEAN-PIERRE	
	Examiner	Art Unit	
	Gregory B. Sefcheck	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it does not comply with the proper language and format of an abstract. The abstract filed 11/20/2001 simply reiterates the process of claim 1 using much of the same language from the claim. Such language is to be avoided in writing a proper, narrative-style abstract.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign(s) for the timing diagrams of figs. 1-4 or the elements of fig. 5. Furthermore, the drawings do not clearly coincide with the written description on pgs. 8-11 of the specification. The drawings, taken together with these descriptions, do not adequately illustrate Applicant's invention.

4. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, as stated in the description of the drawings on pg. 7 of the specification. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not adequately describe how the process and device of claims 1-3 operate. The written descriptions of Figs. 1-8 on pgs. 8-11 of the specification do not clearly explain how the process and device for deterministic transmission of asynchronous data as set forth in claims 1-3 would be performed. It appears the application may be a literal translation from the foreign priority documents that would require significant revision in order to clearly explain the concepts and applications of the claimed invention.

Claim Objections

7. Claims 1-3 are objected to because of the following informalities:

Claims 1-3 appear to have been translated directly from the foreign priority documents. Claim amendments that convey Applicant's invention with more clarity is recommended.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashima et al. (US005509007A), hereafter Takashima.

- In regards to Claims 1 and 2,

Takashima discloses an ATM cell multiplexing device and method for handling multiple items of information (claim 1,2 – process/device for deterministic transmission of async data in packets).

Referring to Figs. 5 and 6, Takashima discloses receiving data into an ATM processor 44 through buffers 42 (batteries; claim 1 – data is stored in batteries).

The buffer controller of the processor monitors the amount of data accumulated and, at a certain point, packetizes the data into a user information part 11 of an ATM cell, along with the ATM header (sorting and enhancement data), formed at the ATM multiplexer (Col. 6, lines 55-65; Col. 7, lines 15-23; claim 1 – reception of data contained in batteries in packeting module, start of packeting, packeting with sorting and enhancement of data, end of packeting and sending of made-up packet; claim 1 – stoppage of packet make-up in the course of realization in a packeting module when a

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message composition module needs the packet, transmission of the packet, start of realization cycle of a new packet).

The packetized cells are then sent to the cross-connection multiplexer where they are buffered and transmitted over the ATM transmission line in the order in which they arrived (Col. 7, lines 23-28; claim 1 – recovery one after another of the packets, in a predefined order, in the message composition module; claim 1 – setting of the message to the electrical format of the protocol used for transmission).

Takashima shows multiple ATM processors within the system 4, including a monitoring module at the input to each ATM processor (claim 2 – at least one input module for receiving input data) and multiple buffers 42 and ATM multiplexers (claim 2 – batteries receiving digital data coming from input module; claim 2 – several packeting module connect to at least one battery).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Troxel et al. (US006014381A), hereafter Troxel.

- In regards to Claim 3,

Takashima discloses an ATM cell multiplexing device and method for handling multiple items of information that covers all limitations of the parent claim.

Takashima does not explicitly disclose the use of the process in data acquisition and real-time processing systems for test installation of new airplanes.

The use of the packetization process shown by Takashima would be beneficial for data acquisition and real-time processing systems of any type, including those used on airplanes as shown by Troxel (Col. 1; claim 3 – use of claim 1 process in data acquisition and real-time processing systems for test installation of new airplanes).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of Takashima in data acquisition and real-time processing systems, including those used in airplanes, as shown by Troxel.

Takashima's method would be useful in any kind of communication system in which a plurality of data types need to be communicated while delay time is minimized.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Eneroth et al. (US 20020027919A1)
- Holler (US006717955B1)
- Fraser et al. (US006707819B1)
- Besset-Bathias (US006704315B1)
- Carew (US006526046B1)
- Lyons (US006075798A)
- Khelghatti et al. (US005844906A)
- Fiorini (US005740173A)
- Hiller et al. (US005327421A)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS
12-2-2005



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